Public Laws: Senate/Bills/110th Congress/2nd Session/2008

CMS Library
C2-07-13
7500 Security Blvd.
Baltimore, MD, 21244

110TH CONGRESS
2D SESSION

S. 2620

To provide for a temporary increase of the Federal medical assistance percentage under the Medicaid program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 6), 2008

Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Finance

---

A BILL

To provide for a temporary increase of the Federal medical assistance percentage under the Medicaid program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2007 FMAP FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2008.—Subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2008 is less than the FMAP as so determined for fiscal year 2007, the FMAP for the State for fiscal

year 2007 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2008, before the application of this section.

(b) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FIRST 3 QUARTERS OF FISCAL YEAR 2009.—Subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for the first, second, and third calendar quarters of fiscal year 2009, before the application of this section.

(c) GENERAL 2.95 PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2008 AND FIRST 3 CALENDAR QUARTERS OF FISCAL YEAR 2009.—Subject to subsections (e), (f), and (g), for each State for the third and fourth calendar quarters of fiscal year 2008 and for the first, second, and third calendar quarters of fiscal year 2009, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 2.95 percentage points.

(d) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (f) and (g), with respect to the third and fourth calendar quarters of fiscal year 2008 and the first, second, and third calendar quar-

ters of fiscal year 2009, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 5.90 percent of such amounts.

(e) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(3) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(f) STATE ELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section

1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on January 1, 2008.

(2) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after January 1, 2008, is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on January 1, 2008.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(g) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within

the State to contribute toward the non-Federal share of expenditures under the State medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State shall not require that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for the third and fourth calendar quarters of fiscal year 2008 and the first, second, and third calendar quarters of fiscal year 2009, than the percentage that would have been required by the State under such plan on March 31, 2008, prior to application of this section.

(h) DEFINITIONS.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) REPEAL.—Effective as of October 1, 2009, this section is repealed.

○

CMS Library
C2-07-17
7500 Security Blvd.
Baltimore, Maryland 21244

CMS LIBRARY
3 8095 00010118 4